

Domestic Relations Committee  
Judicial Conference of Indiana

**Minutes**  
January 18, 2002

The Domestic Relations Committee in Indianapolis, Indiana on Friday, January 18, 2002, from 10:30 a.m.- 3:00 p.m. at the Indiana Judicial Center.

1. Members present. Cynthia J. Ayers, Robert R. Aylsworth, Thomas J. Felts, E. Michael Hoff; Keith A. Meier; Robyn L. Moberly; Michael P. Scopelitis; William C. Whitman; and Daniel F. Donahue, Chair.
2. Staff present. Jeffrey Bercovitz provided the committee with staff assistance.
3. Minutes approved. The minutes for the meeting of the committee on October 19, 2001 were approved.
4. Mediation in family law cases.
  - a. Judge Donahue, Chair, distributed proposed amendments to Indiana's senior judge statutes (IC 5-10-8-1, 33-2-1-8 and 33-4-8) and senior judge Administrative Rule 5 (B). He reported discussing these changes with Judge Kickbush, Chair, Senior Judge Committee.
  - b. The committee members agreed to recommend changing the statutes to permit to senior judges to function as a domestic relations mediator if certified to do so by the Supreme Court and assigned by the local trial judge. In addition, they agreed to recommend a change in the administrative rules to permit a Senior Judge to serve as a domestic relations mediator, especially in pro bono cases and those cases assigned to legal services organizations. They should be paid \$50.00 per day and receive credit for each day of mediation service toward the 30-day senior judge requirement. The committee agreed to send the statute and rule changes to Chief Justice Shepard with a cover letter from Judge Donahue.
5. Child Support Guideline review. The committee discussed the scope of a review of the child support guidelines to last 12 months or less. They agreed to:
  - a. Solicit ideas for changes from judges via email and a written notice;
  - b. Solicit ideas from attorneys via a notice in Res Gestae and an article in The Indiana Lawyer;
  - c. Give notice to all county bar associations that comments are being accepted;
  - d. Review the economic basis of the guideline by use of experts. This would include contacting an expert to critique the present guidelines as well as Dr. Betson. Mr. Bercovitz agreed to distribute copies of the economic review of the guideline conducted by Dr. Betson to the committee in advance of the next meeting;
  - e. Plan for one or two work-study sessions to complete revisions;
  - f. Ask for public comments by June 30, and conduct a public hearing in the Supreme Court chambers on July 19; and
  - g. Begin drafting proposed changes for the next meeting.
6. Recent legislation. Mr. Bercovitz distributed SB 178 to the committee members. They expressed concern that substantial IV-D monies for Indiana would be at risk if the bill were not heard. They wanted no other changes other than those necessary to receive IV-E monies. The committee reviewed HB 1335, Allen County Pilot Mediation Project, and made the following recommendations: (1) plans for mediation should only be filed with the Judicial Conference of Indiana and not approved by them; (b) total court costs should be \$124.00 not \$120.00; (c) the sunset provision should be eliminated; (d) the additional \$20.00 court costs should be charged when

a petition for legal separation is filed; (e) the additional court costs should be charged as soon as the plan is filed with the Judicial Conference of Indiana, and no approval of the plan will be necessary to begin collecting monies; (f) the program fee should be charged when filing paternity cases. Mr. Bercovitz also distributed Senate Bills 81, 136, 223, and House Bills 1077, 1192 and 1245 to the committee.

7. Support hearings for military reservists. Mr. Bercovitz distributed an email from Mr. Jarman, with an email attachment from Mr. Wade Horn, Administration for Children and Families urging a priority given to military reservists called up to serve on active duty. Committee members discussed the application of the Soldier's and Sailor's Relief Act requiring continuances if a modification is filed and agreed to be sensitive to issues in this area.

8. Other business.

a. Mr. Bercovitz distributed excerpts from the State of the Judiciary address on January 16, 2002 with its positive mention of the child support and parenting time guidelines.

b. Mr. Bercovitz reported receiving questions on the language used to determine which parent has children during Christmas and New Years Eve. The committee agreed to address changing this language to make it easier to read.

9. Next meeting dates. The members of the committee agreed to meet again on Friday, February 15, March 15, April 19, May 17, July 19 and August 16, 2002 from 10:30 a.m. – 4:00 p.m. at the Judicial Center, September 11 from 10:30 a.m. – 12:00 noon, in conjunction with the September Conference in Ft. Wayne, and Friday, October 18, and November 15, 2002 and Friday, January 17, 2003 from 10:30 a.m. – 4:00 p.m. at the Judicial Center.

Respectfully submitted,

Jeffrey Bercovitz, Director  
Juvenile and Family Law